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16 Kyphon Inc.

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18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA  
20 SAN JOSE DIVISION

21 SAFRONIA DODD-OWENS, et al., etc.,

22 Plaintiffs,

23 v.

24 KYPHON INC.,

25 Defendant.

CASE NO. CV 06 03988 JF

**STIPULATION AND [PROPOSED] ORDER  
CONTINUING DATE OF CASE  
MANAGEMENT CONFERENCE**

Complaint Date: June 27, 2006  
Trial Date: None Assigned

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**STIPULATION**

WHEREAS, the next case management conference in this matter has been scheduled for June 13, 2008, pursuant to Judge Fogel's March 14, 2008 Case Management Conference Civil Minutes;

WHEREAS, at the March 14, 2008 Case Management Conference, the parties notified Judge Fogel that there was a dispute over the permissible scope of discovery in this action;

WHEREAS, at the March 14, 2008 Case Management Conference, Judge Fogel referred the parties' discovery dispute to Magistrate Judge Lloyd and ordered Defendant Kyphon Inc. ("Kyphon") to move for a protective order;

WHEREAS, Magistrate Judge Lloyd will hear Kyphon's motion for a protective order on June 17, 2008;

WHEREAS, the parties' discovery dispute will not be resolved prior to the next Case Management Conference on June 13, 2008;

WHEREAS, Judge Fogel will not be able to set a discovery schedule in this matter until the parties' discovery dispute is resolved;

WHEREAS, Local Rule 16-2 (e) permits parties to seek relief from the Court's case management schedule by stipulating to change the date of any case management conference;

THEREFORE, the parties, through their counsel of record, hereby STIPULATE to reschedule the next Case Management Conference, currently set for June 13, 2008, to July 18, 2008.

1 IT IS SO STIPULATED.

2 DATED: April 30, 2008

SANFORD WITTELS & HEISLER, LLP  
LAW OFFICES OF GRANT E. MORRIS  
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5 By: /s/ David Sanford  
6 David Sanford

7 Attorneys for Plaintiffs

9  
10 DATED: April 30, 2008

DLA PIPER US LLP

11 SEVERSON & WERSON  
12 A Professional Corporation

13 By: /s/ Rhonda L. Nelson  
14 Rhonda L. Nelson


15 Attorneys for Defendant

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18 **ORDER**

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20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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22 Dated: 5/2/, 2008

23 By:

  
24 Hon. Jeremy Fogel  
25 U.S. District Court Judge